

LATHAM & WATKINS LLP
Michele D. Johnson (Bar No. 198298)
michele.johnson@lw.com
650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Telephone: +1.714.540.1235
Facsimile: +1.714.755.8290

Elizabeth L. Deeley (Bar No. 230798)
elizabeth.deeley@lw.com
505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
Telephone: +1.415.391.0600
Facsimile: +1.415.395.8095

Hilary H. Mattis (Bar No. 271498)
hilary.mattis@lw.com
140 Scott Drive
Menlo Park, CA 94025-1008
Telephone: +1.650.328.4600
Facsimile: +1.650.463.2600

Andrew B. Clubok (*pro hac vice*)
Susan E. Engel (*pro hac vice*)
andrew.clubok@lw.com
susan.engel@lw.com
555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Telephone: +1.202.637.2200
Facsimile: +1.202. 637.2201

Attorneys for Defendants *Twitter, Inc.*,
Jack Dorsey and Ned Segal

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE TWITTER, INC. SECURITIES
LITIGATION

This Document Relates To:

ALL ACTIONS

Case No.: 4:19-cv-07149-YGR

**DECLARATION OF SUSAN E. ENGEL IN
SUPPORT OF DEFENDANTS' MOTION TO
DISMISS THE CONSOLIDATED CLASS
ACTION COMPLAINT**

Date: October 13, 2020
Time: 2:00 p.m.
Courtroom: 1
Hon: Yvonne Gonzalez Rogers

1 I, Susan E. Engel, declare as follows:

2 1. I am an attorney duly licensed to practice law in the District of Columbia and am
3 admitted *pro hac vice* to this Court. I am a partner with the law firm of Latham & Watkins LLP,
4 counsel of record for Twitter, Inc. (“Twitter”), Jack Dorsey and Ned Segal (collectively
5 “Defendants”) in the above-captioned matter. I have personal knowledge of the facts set forth
6 below and, if called as a witness in a court of law, could and would testify competently thereto.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of Twitter, Inc.’s Form 10-
8 K for the period ended December 31, 2018, which was filed with the Securities and Exchange
9 Commission on February 21, 2019.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of a screenshot of a Tweet
11 entitled “Twitter Support on Twitter,” available at
12 <https://twitter.com/TwitterSupport/status/1158876245716697089> (last accessed June 10, 2020).

13 4. Attached hereto as Exhibit 3 is a true and correct copy of a webpage entitled “An
14 issue with your settings choices related to ads on Twitter,” available at
15 <https://help.twitter.com/en/ads-settings> (last accessed June 3, 2020);

16 5. Attached hereto as Exhibit 4 is a true and correct copy of the Quarterly Report on
17 Form 10-Q of Twitter, Inc. for the period ended September 30, 2019, as filed with the SEC on
18 October 29, 2019.

19 6. Attached hereto as Exhibit 5 is a true and correct copy of the Q2 2019
20 Shareholder Letter of Twitter, Inc., Exhibit 99.1 to the Form 8-K, filed with the SEC on July 26,
21 2019.

22 7. Attached hereto as Exhibit 6 is a true and correct copy of the Quarterly Report on
23 Form 10-Q of Twitter, Inc. for the period ended June 30, 2019, as filed with the SEC on July 31,
24 2019.

25 8. Attached hereto as Exhibit 7 is a true and correct copy of the transcript of Twitter,
26 Inc.’s Question and Answer Presentation at the Citi Global Technology Conference 2019, dated
27 September 4, 2019, available for download from
28

1 https://s22.q4cdn.com/826641620/files/doc_downloads/2019/Citi-2019-Transcript.pdf/

2 (downloaded on June 3, 2020).

3 9. Attached hereto as Exhibit 8 is a true and correct copy of the Responses and
4 Objections to KBC Asset Management NV's Fifth Set of Interrogatories to Defendant Twitter,
5 Inc., filed as Exhibit 20 to Plaintiffs' Opposition to Defendants' Motion for Summary
6 Judgment, *In re Twitter, Inc. Securities Litigation*, Case No. 4:16-CV-05314-JST(SK) (N.D.
7 Cal. filed Sept. 16, 2016) (Dkt. No. 413-6).

8 10. Attached hereto as Exhibit 9 is a true and correct copy of the Declaration of
9 Michael Nierenberg, filed as Exhibit 1 to Defendants' Administrative Motion to File Under Seal
10 Defendants' Motion for Summary Judgement, *In re Twitter, Inc. Securities Litigation*, Case No.
11 4:16-CV-05314-JST(SK) (N.D. Cal. filed Sept. 16, 2016) (Dkt. No. 340-1).

12 11. Attached hereto as Exhibit 10 is a true and correct copy of the Statement of
13 Changes of Beneficial Ownership of Securities on Form 4 of Twitter, Inc. on behalf of Ned D.
14 Segal, as filed with the SEC on August 14, 2019.

15 12. Attached hereto as Exhibit 11 is a true and correct copy of the Statement of
16 Changes of Beneficial Ownership of Securities on Form 4 of Twitter, Inc. on behalf of Ned D.
17 Segal, as filed with the SEC on September 3, 2019.

18 13. Attached hereto as Exhibit 12 is a true and correct copy of the Statement of
19 Changes of Beneficial Ownership of Securities on Form 4 of Twitter, Inc. on behalf of Ned D.
20 Segal, as filed with the SEC on September 12, 2019.

21 14. Attached hereto as Exhibit 13 is a true and correct copy of the Statement of
22 Changes of Beneficial Ownership of Securities on Form 4 of Twitter, Inc. on behalf of Ned D.
23 Segal, as filed with the SEC on October 9, 2019.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on June 12, 2020 at District of Columbia.

26
27 By: /s/ Susan E. Engel
Susan E Engel